

Appl. No. : 09/638,489  
Filed : October 26, 2000

**REMARKS**

A. Introduction

Reconsideration and allowance of this application is respectfully requested. Claims 1-10, 13, 14 and 62-78 are now pending in the application. Applicant has canceled Claims 11-12 and 15-61 without prejudice. Applicant reserves the right to pursue these and other similar claims in later applications. Applicant submits that this application is now in condition for allowance and such action is earnestly requested. Each of the Examiner's reasons for rejection is addressed below.

B. All Claims Comply with § 112

The Examiner rejected Claims 58-61 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Specifically, the Examiner stated that Claim 58 recites the limitation "the ankle block" in lines 22 and 26, and that there is insufficient antecedent bases for these limitations in the claim.

Applicant has canceled these claims without prejudice, and intends to pursue these claims in a continuation application. Therefore, Applicant respectfully requests that the Examiner withdraw these rejections.

C. Double Patenting

The Examiner rejected Claims 1, 7 and 11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 10 of U.S. Patent No. 6,206,934 to Phillips. Applicant has canceled Claim 11 without prejudice, and intends to pursue this claim and other claims in a continuation application.

Without addressing the merits of the double patenting rejection, Applicant submits herewith a terminal disclaimer. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

D. Dependent Claims 2-6, 8-9 and 13-14

Claims 2-6, 8-9 and 13-14 were previously withdrawn as being drawn to a non-elected species. These claims are all dependent on Claim 1, which in view of the enclosed terminal disclaimer, should now be allowable. Therefore, pursuant to 37 C.F.R. § 1.141, Applicant respectfully submits that Claims 2-6, 8-9 and 13-14 should also be allowable.

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E. New Claims 62-78

Applicant has added new Claims 62-78, each of which is also readable on the elected Species O. Applicant submits that these claims are allowable over the prior art of record.

CONCLUSION

For the reasons presented above, Applicants respectfully submit that this application, as amended, is in condition for allowance. If there is any further hindrance to allowance of the pending claims, the Examiner is invited to contact the undersigned.

Following the signature page of this Amendment is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made." On this page, the [deletions are bracketed] while the insertions are underlined.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/13/02

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

**The paragraph at page 1, line 4 has been amended as follows:**

This application is a continuation-in-part of Application Serial No. 09/288,869, filed April 4, 1999, now U.S. Patent No. 6,280,479, which is a continuation-in-part of Application Serial No. 09/138,357, filed August 21, 1998, now U.S. Patent No. 6,206,934, which claims the benefit of U.S. Provisional Application No. 60/081,472, filed April 10, 1998. The [the] entireties of both U.S. Patent Nos. 6,280,479 and 6,206,934 [of which] are hereby incorporated by reference.

**The paragraph at page 27, line 24 has been amended as follows:**

FIGURE 17 shows another embodiment of a prosthetic foot 10. This embodiment is similar to that shown in FIGURE 12 above in that it generally comprises two ankle plates 14 and 15, an ankle block 16 and a foot plate 12. However, in the prosthetic foot 10 of FIGURE 17, the plates 14 and 15 both extend to the front of the ankle block 16. Furthermore, the ankle block [plate] 16 is more preferably a chambered urethane having a plurality of openings extending therethrough. Specifically, in addition to the cylindrical slots 50 and 51, the ankle block 16 of FIGURE 17 also has an opening 55 that is substantially oblong when viewed from the side and that extends across the transverse dimension of the ankle block 16. Similar to the embodiments described above, the opening 55 can be filled with other materials for adjusting the stiffness of the block. Openings can be enclosed, if desired, defining closed chambers filled with a compressible fluid such as air.

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